

DUPLICATE ORIGINAL

13CV4626(PAE)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKPernell R. Warren

(In the space above enter the full name(s) of the plaintiff(s).)

(AMENDED)

COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 19

v.

Defendant No. 1 Police Officer Thomas Dunne, S.No. 20950Jury Trial: Yes ☒ No ☐
(check one)Defendant No. 2 Police Officer Thomas Richards, S.No. 19086Defendant No. 3 The City of New York

Defendant No. 4

Defendant No. 5

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/21/2013

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. No addresses should be included here.)

OCT 29 2013
PRO SEC OFFICE

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Pernell R. Warren
 ID # 13A4309
 Current Institution Downstate Correctional Facility
 Address Box F - Red schoolhouse Road, Fishkill, New York 12524

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Police officer Thomas Dunne Shield # 20950
 Where Currently Employed Queens Warrants Section
 Address 14-04 111th street, College Point, New York 11356

Defendant No. 2 Name Police officer Thomas Richards Shield # 19086
 Where Currently Employed Intelligence Division
 Address One Police Plaza, Room 1108 New York, New York 10038

Defendant No. 3 Name The City of New York Shield # _____
 Where Currently Employed The Law Department of the City of New York
 Address The Office of the Corporation Counsel, 100 Church Street, New York, New York 10007

Defendant No. 4 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? _____

B. Where in the institution did the events giving rise to your claim(s) occur? _____

C. What date and approximate time did the events giving rise to your claim(s) occur? _____

D. Facts: See attachments (Facts of the Case)

What
happened
to
you?

Who
did
what?

Was
anyone
else
involved
?

Who
else
saw
what
happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. I had Neck and Back Pain

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act of 1995, 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?
Yes ☒ No ☐

Facts of the case

1. This action is against the City of New York as the supervisory municipality responsible for the conduct of the defendants and for the commissioner of the New York City Police Departments failure to take corrective action with respect to police personnel, or to implement meaningful procedures to discourage lawless official conduct, and also against the City of New York as the employer of the police personnel which is sued as a person under 42 U.S.C section 1983.
2. At all times relevant, these defendants was acting as the agents servants and employees of defendant City of New York.
3. On November 30, 2011 at approx. 6/00 p.m at the location of 3rd and ave d in Manhattan, New York.
4. Pernell Warren Herein, plaintiff was approached by a unmarked burgundy van.
5. Uniformed police officer Thomas Dunne, shield no. 20950 exited the van gun drawn, and ordered plaintiff to stop and stating in sum and substance "asshole show me some i.d (identification).
6. Plaintiff complied and showed police officer Thomas Dunne identification.
7. Uniformed Police officer Thomas Richards, shield no. 19086 exited van, threw plaintiff into a gate and began searching plaintiff, stating in sum and substance " I hate you black motherfuckers".
8. Police officer Thomas Dunne stated in sum and substance " cuff him we will fuck him up when get to the station".
9. police officer Thomas Richards placed handcuffs on plaintiff.
10. Plaintiff asked in sum and substance " why was he being arrested?"
11. Police officer Thomas Dunne grabbed plaintiff by his neck in a choke hold manner, and police officer Thomas Richards grabbed plaintiff by his legs, and than both police officers threw plaintiff inside van.
12. Plaintiff was then transported to police pct. p.s.a 4 located at 8th street and Ave c in Manhattan.
13. Plaintiff was then questioned without his miranda rights read about his cousin that had a warrent for his arrest.
14. Police officer Thomas Dunne stated in sum and substance " if you tell us where he is we will let you go".
15. Plaintiff said nothing and was fingerprinted and processed by police officer Thomas Dunne.
16. At approx 9:00 on november 30, 2011 plaintiff was transported form police pct. Psa4 to the Manhattan central booking.
17. At approx. 3:00 a.m [9 hours after being arrested) plaintiff was informed by correction officer/ court officer that the District Attorney declined to prosecute the case.
18. Plaintiff was then released from Manhattan central booking through a back door at approx 3:00 a.m.

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). Police Pct Psc4 and Central Booking of Manhattan

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ____ No ____ Do Not Know ____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ____ No ____ Do Not Know ____

If YES, which claim(s)? _____

D. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose not cover some of your claim(s)?

Yes ____ No ____ Do Not Know ____

If YES, which claim(s)? _____

E. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ____ No ____

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ____ No ____

F. If you did file a grievance, about the events described in this complaint, where did you file the grievance? _____

1. Which claim(s) in this complaint did you grieve? _____

2. What was the result, if any? _____

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. _____

G. If you did not file a grievance did you inform any officials of your claim(s)?

Yes _____ No _____

1. If YES, whom did you inform and when did you inform them? _____

2. If NO, why not? _____

I. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. _____

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the court to do for you. Monetary Compensation of \$1,000,000.00

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes _____ No ☒

B. If your answer to A is YES, describe each lawsuit in questions 1 through 7 on the next page. (If

there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to this previous lawsuit:
Plaintiff _____
Defendants _____
2. Court (if federal court, name the district; if state court, name the county) _____
3. Docket or Index number _____
4. Name of Judge assigned to your case _____
5. Approximate date of filing lawsuit _____
6. Is the case still pending? Yes ____ No ____
If NO, give the approximate date of disposition _____
7. What was the result of the case? (for example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- D. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes ____ No ☒

E. If your answer to D is YES, describe each lawsuit in questions 1 through 7 on the next page. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to this previous lawsuit:
Plaintiff _____
Defendants _____
2. Court (if federal court, name the district; if state court, name the county) _____
3. Docket or Index number _____
4. Name of Judge assigned to your case _____
5. Approximate date of filing lawsuit: _____
6. Is the case still pending? Yes ____ No ____
If NO, give the approximate date of disposition _____
7. What was the result of the case? (for example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

Signed this 14 day of October, 2013. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Plaintiff

Pernell R Warren

Inmate Number

13A4309

Mailing address

Downstate Correctional Facility
Box F - Red Schoolhouse Road
Fishkill, New York 12524

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 18 day of October, 2013, I will deliver this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Pernell R Warren